

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 15, and 27 are currently being amended. No new matter is added.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier for each.

After amending the claims as set forth above, claims 1-30 are currently pending in the application.

Claim Rejections – 35 U.S.C. § 102(e)

In section 3 of the Office Action, claims 1-9, 11, 15-24, and 26-30 (and presumably claims 10 and 25) are rejected under 35 U.S.C. § 102(e) as being anticipated by Sirola et al. (U.S. Patent No. 6,661,404). A claim is anticipated only if each and every element as set forth in the claim is taught or suggested by a prior art reference. See Manual of Patent Examining Procedure § 2131. Applicants respectfully submit that Sirola et al. fails to teach or disclose at least one element of claims 1-9, 11, 15-24, and 26-30.

a. Claims 1-11

With regard to claim 1, Applicants respectfully submit that Sirola et al. fails to teach or suggest “a hinge coupled between the first platform and the second platform, the hinge allowing movement of the second platform from a first position to a second position, wherein the second platform is within the periphery when the second platform is in the first and second positions” as recited in the combination of elements of claim 1, as amended. Sirola et al. discloses that the lid 7 is outside of the periphery of the body 2 in the open position. Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(e) be withdrawn.

Additionally, claims 2-11 depend from claim 1 and are thus patentable for at least the same reasons as claim 1, and Applicants request that the rejection of claims 2-11 under 35 U.S.C. § 102(e) be withdrawn as well.

b. Claims 15-26

With regard to claim 15, Applicants respectfully submit that Sirola et al. fails to teach or suggest “rotating a platform, supporting a second subset of keys of the set of keys, about a hinge supported by the support area, to expose the set of keys to a user, the platform being configured such that when the set of keys is not exposed to the user, the platform and the support area are within an outer periphery of the housing, and such that the platform remains substantially fixed within the outer periphery when the set of keys is exposed to the user” as recited in the combination of steps of claim 15, as amended. Sirola et al. discloses that the lid 7 is outside of the periphery of the body 2 in the open position. Accordingly, Applicants respectfully request that the rejection of claim 15 under 35 U.S.C. § 102(e) be withdrawn. Additionally, claims 16-26 depend from claim 15 and are thus patentable for at least the same reasons as claim 15, and Applicants request that the rejection of claims 16-26 under 35 U.S.C. § 102(e) be withdrawn as well.

c. Claims 27-30

With regard to claim 27, Applicants respectfully submit that Sirola et al. fails to teach or suggest “a coupling enabling movement of the folding section relative to the fixed section, the first subset of keys being concealed from view when the folding section is in a closed position, and the folding section is substantially within a footprint of the electronic communications device when in the closed position, and wherein the folding section remains substantially within the footprint of the electronic communications device in an open position” as recited in the combination of elements of claim 27, as amended. Sirola et al. discloses that the lid 7 is outside of the periphery of the body 2 in the open position. Accordingly, Applicants respectfully request that the rejection of claim 15 under 35 U.S.C. § 102(e) be withdrawn. Additionally, claims 28-

30 depend from claim 27 and are thus patentable for at least the same reasons as claim 27, and Applicants request that the rejection of claims 28-30 under 35 U.S.C. § 102(e) be withdrawn as well.

Claim Rejections – 35 U.S.C. § 103(a)

In section 5 of the Office Action, claims 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sirola et al. in view of Lefort (U.S. Patent No. 6,469,910). To establish a prima facie case of obviousness based on a combination of a prior art reference under 35 U.S.C. § 103(a) and knowledge of one of ordinary skill in the art, the Office Action must show that there is a suggestion or motivation to combine the teachings of those references. See Manual of Patent Examining Procedure § 2143. This may come in the form of some objective teaching in the prior art or, alternatively, knowledge generally available to one of ordinary skill in the art at the time of the invention that would lead that individual to combine the relevant teachings of the references. In re Fritch, 972 F.2d 1260 (Fed. Cir. 1992). When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper. Ex parte Skinner, 2 USPQ.2d 1788 (Bd. Pat. App. & Inter. 1986). In this case, the Office Action does not show that there would have been any motivation or suggestion to one of skill in the art to combine the teachings of Sirola et al. and Lefort.

The Office Action states that “Sirola et al teach an application launching key 21 located on the first set of keys” (key 21 is not, however, exposed when the lid 7 is in the closed position) and that “[i]t would have been obvious to one ordinary skilled in the art at the time the invention was made to designate available input key in the device by Sirola et al as a navigation key or any other purpose button key as it is shown by Lefort. The Office Action, however, does not provide any indication as to why one of ordinary skill in the art would be motivated to combine the cited teachings of Sirola et al. and Lefort to somehow arrive at the subject matter of claims 12-14. In the absence of a recitation of a motivation to combine Sirola et al. and Lefort, the rejection of claims 12-14 under 35 U.S.C. § 103(a) is improper.

Furthermore, to establish prima facie obviousness of a claimed invention under 35 U.S.C. § 103(a), all the claim limitations must be taught or suggested by the prior art (see Manual of Patent Examining Procedure § 2143.03). Claims 12-14 depend from claim 1 and thus include all of the elements and limitations of claim 1. See 35 U.S.C. § 112 ¶ 4. As stated above, Sirola et al. does not disclose or teach “a hinge coupled between the first platform and the second platform, the hinge allowing movement of the second platform from a first position to a second position, wherein the second platform is within the periphery when the second platform is in the first and second positions” as recited in the combination of elements of claim 1, as amended. As such, additional teachings of Lefort would need to be combined with Sirola et al. to establish prima facie obviousness of claims 12-14.

Applicants respectfully submit that there is no suggestion or motivation to combine any such additional teachings of Lefort to make up for the above-mentioned deficiencies in Sirola et al. with regard to claim 1 for at least the reason that Lefort teaches away from combination with Sirola et al. It is improper to combine references where the references teach away from their combination. See Manual of Patent Examining Procedure § 2145(X)(D)(2).

As stated above, Sirola et al. teaches that the lid 7 is outside of the periphery of the body 2 in the open position. Thus, Sirola et al. teaches that the additional space required for a set of alphabetic data entry keys 11a and 11b (e.g., the QWERTY style keyboard of col. 2, line 18) is provided by allowing the lid 7 to fold outside of the periphery of the body 2. In contrast, Lefort teaches a limited number of numeric or function keys for a phone or calculator on the part 4, and that [i]f the miniaturization of the device is much advanced, the number of the keys 5A or 4A is reduced to a maximum of 9 and it becomes difficult if not impossible to transform the device into a calculator in its configuration of the FIGS. 1A and 1B. Lefort also teaches that for data entry and modifications, “a keyboard that no longer needs keys for the digits can be reduced,” and that “the display screen 6 may have sensitive areas enabling the user to enter data by touching the screen, and the keys 4C may comprise a pointer element 11 of the trackball type.” See Lefort,

col. 3, lines 38-67. Thus, Lefort teaches away from Sirola et al. by limiting the number of keys for data entry and relying on the screen for data entry and modifications.

Accordingly, Applicants respectfully submit that there is no motivation or suggestion to one of skill in the art to combine the teachings of Sirola et al. and Lefort, and Applicants respectfully request that the rejection of claims 12-14 under 35 U.S.C. § 103(a) be withdrawn as well.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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